

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

THE CITY OF ERIE, PENNSYLVANIA,

DEFENDANT.

CIVIL ACTION No. 04-4

JUDGE McLAUGHLIN

OBJECTION TO THE ENTRY OF THE CONSENT DECREE

I am objecting to the terms of settlement of this case included in the Consent Decree agreed to by the United States and the City of Erie.

Name: JAMES D. McLELLAN

Social Security Number: 188544369

Other name(s) used: JIM

Address: 4109 DARZSON AV
ERIE PA 16504

Telephone: (814) 825-1557

Basis of my objection: My objection is to application of retroactive seniority to claimants that will be hired under this Consent Decree. The application of retroactive seniority for purposes of state civil service will violate the civil - see cont.

Are you requesting the opportunity to state your objection in person at the Fairness Hearing?

☒ Yes [] No

YOU MAY USE ADDITIONAL PAGES TO EXPLAIN THE BASIS OF YOUR OBJECTION IF NECESSARY. YOU MUST SEND ONE COPY OF YOUR OBJECTION TO THE CLERK OF THE COURT, ONE COPY TO THE DEPARTMENT OF JUSTICE AND ONE COPY TO THE CITY AT THE ADDRESSES PROVIDED IN THE INSTRUCTIONS.

U.S. DISTRICT COURT
CLERK

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FILED

Page # 2 of Basis of my objection

service provisions of state statutes. Existing members of the police department could face furlough from their position in order to make room for a claimant. Such action would also constitute a violation of equal protection under the United States and Pennsylvania Constitutions by subordinating my rights for those of a claimant even though I am guilty of no violation of law. The application of seniority for purposes of determining anything other than wage rates to be paid by the City violates the terms and provisions of the Collective Bargaining Agreement as protected by Act 111 of 1968, 43 P.S. § 217.1 et seq, and the Pennsylvania Labor Relations Act, 43 P. S. § 211.1 et seq.